

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMES MYERS,

Plaintiff,

Case No. 3:20-cv-402

vs.

CITY OF CENTERVILLE, *et al.*,

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

Defendants.

ORDER: (1) DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (Doc. No. 71); (2) DENYING AS MOOT PLAINTIFF'S MOTION TO STRIKE (Doc. No. 82); AND (3) GRANTING DEFENDANTS LEAVE TO FILE A MOTION FOR SUMMARY JUDGMENT AS SET FORTH BELOW BY MONDAY, MARCH 4, 2024

Plaintiff James Myers alleges that his former employer—Defendant City of Centerville—and former supervisors—Defendants Wayne Davis and Matthew Brown—violated his First Amendment rights, retaliated against him, tortiously interfered with his business and professional relationships, and defamed him. Doc. No. 73. This civil case is before the Court on Defendants' motion for summary judgment. Doc. No. 71. Myers responded, and Defendants replied. Doc. Nos. 79, 80. Thus, this motion is ripe for review.

On the same day the motion for summary judgment was filed, Myers filed an amended complaint. Doc. No. 73. Myers later filed a deposition (Doc. No. 76) and two affidavits (Doc. Nos. 77, 78) before filing a summary judgment opposition memorandum (Doc. No. 79). After Defendants replied (Doc. No. 80), Myers filed a motion to strike certain arguments Defendants made in their reply (Doc. No. 82). Defendants responded, and Myers replied. Doc. Nos. 83, 84. Therefore, the motion to strike is also ripe for review.

Plaintiff's motion for summary judgment is 50 pages, not including the cover pages, table of contents, or certificate of service. Doc. No. 71. Defendants' response, using this same calculation, is 57 pages. Doc. No. 79. Finally, Plaintiff's reply is 53 pages. Doc. No. 80. These documents violate Dayton General Order No. 12-01, which requires memoranda in support of, or in opposition to, any motion to not exceed 20 pages unless leave is obtained by the Court in advance. The parties did not obtain leave of Court to file these lengthy memoranda. Additionally, the Court finds it in the interests of justice to allow briefing on the issues following the filing of the amended complaint and additional discovery.

Thus, the Court **DENIES WITHOUT PREJUDICE** Defendants' motion for summary judgment (Doc. No. 71) and **DENIES AS MOOT** Myers's motion to strike (Doc. No. 82). The Court also **GRANTS DEFENDANTS LEAVE** to file a motion for summary judgment in compliance with Dayton General Order No. 12-01 by **Monday, March 4, 2024**. In filing all memoranda, the parties are strongly advised to adhere to the 20-page limit. If necessary, the parties must seek leave of Court to file a memorandum that exceeds 20 pages by submitting a request with the proposed page length and the reasons for exceeding the usual page limit.

IT IS SO ORDERED.

February 12, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge